

National Fish and Wildlife Foundation
Western Big Game Seasonal Habitat and Migration Corridors Fund
Environmental Compliance Overview and Resources for Grantees
March 2026

Background

This document provides an overview of environmental compliance requirements associated with your National Fish and Wildlife Foundation (NFWF) Western Big Game Seasonal Habitat and Migration Corridors Fund (Big Game) grant award, along with key resources to support your compliance efforts.

Under the National Environmental Policy Act (NEPA), federal agencies are required to consider the environmental effects of certain actions prior to making decisions. These actions, such as permits, authorizations, rulemaking, policy actions, and funding decisions, are collectively referred to as “major federal actions.” NEPA regulations guide agencies in determining whether an action is subject to NEPA and, if so, the appropriate level of environmental review. The NEPA process is designed to identify and evaluate relevant environmental information early enough to inform agency decision-making.

Because your NFWF Big Game grant award is supported by federal funding, the proposed activities (both indoor and outdoor) are subject to environmental compliance review under NEPA, as well as other applicable federal laws. Environmental compliance review must be completed and approved by NFWF and the relevant federal funding agency prior to initiating any project activities.¹

While all federal agencies must comply with NEPA, implementation varies based on each agency’s mission and internal procedures. Although NEPA establishes a consistent framework, individual agencies have developed their own processes for carrying out environmental reviews.

To support this process and ensure compliance requirements are met, NFWF Big Game assigns an Environmental Compliance Grantee Liaison to each grant award. NFWF has retained SWCA Environmental Consultants (SWCA) to manage environmental compliance reviews and provide experienced Environmental Compliance Liaisons. Your assigned liaison will guide you through NEPA and related regulatory requirements and serve as your primary point of contact throughout the compliance process.

NEPA Environmental Compliance Review Components and Initiation

As part of the NEPA environmental compliance review, proposed project activities may also trigger additional federal requirements that are integrated into the overall review process. Your Environmental Compliance Liaison, with support from SWCA subject matter experts (SMEs), will help determine which, if any, additional regulations apply to your grant award. You are responsible for coordinating with your Environmental Compliance Liaison and providing the information needed to complete the environmental compliance review. No project activities may begin until this review is completed and

¹ Grantees may access funds included in approved project budgets for costs associated with permitting, planning, engineering, and other non-construction-related activities prior to completing **all** NEPA requirements. Please reach out to your Grantee Liaison or NFWF for more information. Contact information is provided at the end of this document.

approved.

The two primary federal laws typically considered alongside NEPA are the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA), both of which are described below. In some cases, though less common, projects may also require Tribal notification. This is typically conducted through a formal letter that includes project details and a map of proposed activity locations.

For more detailed information on compliance and permitting requirements, including NEPA, ESA, NHPA, and other applicable regulations, please refer to your NFWF Big Game Grant Agreement.

Endangered Species Act

Your project may require completion of the Endangered Species Act (ESA) Section 7 consultation process with the appropriate U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) field office. Whether consultation is required will depend on your project activities and whether existing NEPA or ESA documentation already covers those activities. In some cases, your project may be able to tier to existing NEPA analyses or programmatic ESA documents. Your Environmental Compliance Liaison, with support from SWCA subject matter experts (SMEs), will work with you and the federal lead agency to identify the appropriate compliance pathway.

To support ESA review, you should be prepared to provide clear project information, including locations, maps, and descriptions of proposed activities.

Your liaison and the SWCA team will assist with:

- Coordinating early with the appropriate USFWS or NMFS field office, as needed
- Identifying listed or proposed species and designated critical habitat within the project area
- Determining whether additional surveys or analyses are required
- Developing measures to avoid or minimize potential effects on listed species and habitats

The goal of this process is to ensure that project activities avoid or minimize impacts to listed species and designated critical habitat.

To aid in this process, SWCA may use a fillable form. The form is completed differently based on project activities:

Planning or design-only projects: Complete only the introductory portion of the form

Projects with potential to affect listed species or critical habitat: Complete the full form

USFWS will then conduct an internal review to determine the appropriate ESA finding:

No Effect or May Affect, Not Likely to Adversely Affect: Typically resolved through USFWS internal review

May Affect, Likely to Adversely Affect: Requires formal Section 7 consultation with the appropriate USFWS office

Formal consultation is generally expected to be completed within approximately 30 days. USFWS field and regional offices are typically responsive to grant-funded conservation projects.

National Historic Preservation Act

Depending on the location and scope of proposed activities, projects may trigger Section 106 consultation under the National Historic Preservation Act (NHPA). This process typically involves review

by the State Historic Preservation Office (SHPO) and may also require Tribal coordination or formal consultation with one or more Tribes. Similar to ESA compliance, projects may be able to tier to existing NEPA documentation that already includes NHPA compliance or existing programmatic documents. If no such documentation exists, new Section 106 consultation may be required.

The NHPA process can vary depending on funding agency, local SHPO office processes, project activities, and project location. At a high level, if the project does not include ground-disturbing activities, the process may be simplified and shortened, but still needs to be completed. If the project does include ground-disturbing activities, and no prior NEPA documentation covers the project location and activities, then the process can include SHPO coordination and potentially formal consultation. The primary goal of the Section 106 process is to avoid, minimize, or mitigate adverse effects on historic and cultural resources. The SWCA Environmental Compliance Liaison and Cultural Resources SMEs can assist grantees in navigating this process, including identifying the appropriate SHPO and determining the level of review required.

Tribal coordination and consultation apply to all federally-funded Big Game projects, regardless of the funding agency. However, the approach and process may vary for each individual project.

If formal Tribal consultation is requested, timing varies widely depending on each Tribe's internal review process and meeting schedule. Some Tribes may have limited staff available to conduct reviews, require consensus from a larger group before approving documentation, or meet only monthly for consultation discussions. Some projects are led by Tribes, in which case the Tribal entity will conduct its own internal consultation process consistent with its governance protocols.

Other Federal and State Regulations, as Applicable

Based on the location and extent of the activities described in your grant application, other federal and state entities may have permitting authority over some or part of the proposed project activities. Examples include compliance with the state office implementing the Coastal Zone Management Act, the state office managing state-listed species, or the U.S. Army Corps of Engineers for activities that occur in wetlands or waters of the U.S. The grantee is responsible for all miscellaneous compliance requirements. Your Environmental Compliance Liaison will assist you in determining which regulations apply to your proposed project activities.

What does a completed NEPA environmental compliance review look like?

Three levels of NEPA review are conducted by the federal agencies responsible for decision-making. The three levels of review and analysis conclude with the following three types of decision documents:

1. Categorical Exclusion (also referred to as a CX, CE, or a CatEx): Each federal agency, based on activities typically carried out by that agency, has developed and formally adopted a set of activities that are categorically excluded from further NEPA review. These activities are often ministerial and administrative in nature but can also include activities that would not result in adverse effects on sensitive or other resources. A CatEx is a NEPA decision document that summarizes the environmental compliance review process and provides a determination that the activities described in the grant application are categorically excluded from further environmental review. The agency funding the grant makes this determination and executes the

CatEx decision document (formats vary by agency). However, grantees may be required to submit supporting documentation to confirm that resources will not be adversely affected by those activities. Your Environmental Compliance Liaison will assist you in identifying that supporting documentation. If a project cannot use an agency CatEx, it will require an advanced environmental review, and a preparation of NEPA environmental assessment (EA) will be required.

2. Environmental Assessment (EA): EAs analyze potential impacts of proposed project activities to biological, physical, and socioeconomic resources. If the EA analysis results in a determination that no significant impacts to biological, physical, and socioeconomic resources would occur, then a Finding of No Significant Impact (FONSI) decision document is prepared for the EA. Similar to the CatEx process, grantees may be required to submit supporting documentation to confirm that resources will not be significantly adversely affected by those activities. Your Environmental Compliance Liaison will assist you in identifying supporting documentation. If your project results in significant impacts that cannot be mitigated, the project activities must be considered and analyzed in an environmental impact statement (EIS).
3. Environmental Impact Statement: EISs are similar to EAs and include the review of similar resource areas, but require a more detailed analysis due to the substantive nature of potential impacts. An EIS has stricter requirements than an EA, including prescribed time frames, public and agency review and participation opportunities (among others), and documentation. The decision document for an EIS is a Record of Decision.

NFWF anticipates that many Big Game grant award activities can be covered by a CatEx; a few may require an EA and FONSI. It is unlikely that Big Game-awarded projects would require an EIS, but this possibility does exist. **All completed supporting NEPA documentation (reports, engineering plans, surveys, etc.) will need to be submitted to NFWF for review and approval prior to grant funds being released.** Additionally, the federal NEPA lead agency will also need to review and approve all supporting documentation. Although your Grantee Liaison and appropriate SMEs will provide assistance and advice on necessary supporting documentation, as well as make recommendations on a CatEx that may be applicable for the proposed grant activities or that an EA or EIS may be required, the decision lies with the federal agency. Your Environmental Compliance Liaison will guide you and work with the NEPA lead agency throughout the process so that your project can achieve NEPA and environmental compliance.

What if you Already Started your NEPA Environmental Compliance Review?

If grant applicants have NEPA documentation for prior work on the proposed project or other environmental compliance documentation, work with your Environmental Compliance Liaison to discuss the options for expediting the NEPA environmental compliance review required for your Big Game grant award.

If NEPA documentation is being prepared for the proposed project as part of another federal agency's NEPA process or permit process (such as a Nationwide Permit), please contact your Environmental Compliance Liaison regarding how to proceed with developing appropriate NEPA documentation for your Big Game grant application.

All completed NEPA supporting documentation (reports and decision documents) will need to be submitted to NFWF for review and approval.

What happens when the NEPA environmental compliance review is complete?

Once NFWF determines that the NEPA environmental compliance review documentation is complete, NFWF will submit the NEPA and environmental compliance package to the NEPA lead/funding agency for their review and approval. The funding agency will consult with NFWF and any other appropriate agencies during their review to seek clarification and/or concurrence with the analysis. Once the NEPA lead/funding agency approves the NEPA and environmental compliance documentation and issues a decision, the grantee will ensure that both SWCA and NFWF receive copies so they can be added to the appropriate document record.

NFWF Big Game Documentation Roles and Responsibilities

NFWF serves as the repository for all documentation related to the Big Game program. Please ensure that NFWF receives all completed compliance documents, letters, final approvals, and permits. Your Environmental Compliance Liaison can assist you in confirming which items to submit to NFWF. NFWF will attach all documentation to the grantee's EasyGrants file and will send the documentation to the funding agencies for their records. Please feel free to copy NFWF on communications regarding compliance, as necessary.

The grantee is also responsible for maintaining a complete record of the Big Game grant application process throughout the lifespan of the funded project(s) and should keep all documentation on file as well. At close-out of the grant funding, grantees may be asked to submit a complete record to NFWF.

NFWF Big Game Programmatic Contacts

If you have any questions about environmental compliance or regulatory compliance, please contact your assigned Grantee Liaison or NFWF's Big Game environmental contractor, SWCA.

Ari Porter – SWCA, Big Game Program Manager, (720-713-3551) or ATBCRegulatory@SWCA.com

If you have any questions about the Big Game grant award or process, please contact NFWF.

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